

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	:	Chapter 11
	:	
CORAM HEALTHCARE CORP. and CORAM, INC.,	:	Case No. 00-3299 (MFW)
	:	
Debtors.	:	(Jointly Administered)
	:	
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ARLIN M. ADAMS, as Chapter 11 Trustee of the Bankruptcy Estates of Coram Healthcare Corp. and Coram, Inc.,	:	Adv. Proc. No. 06-50639- MFW
	:	
Plaintiff-Appellee,	:	
	:	
v.	:	<b>Objection Date: TBA</b>
	:	<b>Hearing Date: TBA</b>
	:	
GENESIS INSURANCE COMPANY,	:	
	:	
Defendant-Appellant.	:	
	:	
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**MOTION OF GENESIS INSURANCE COMPANY FOR LEAVE TO APPEAL  
THE AUGUST 7, 2006 ORDER OF THE BANKRUPTCY COURT**

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Defendant Genesis Insurance Company (“Genesis”) hereby moves, pursuant to 27 U.S.C. § 158(a)(3) and Federal Rules of Bankruptcy Procedure 8001(b) and 8003, for leave to appeal the bankruptcy judge’s August 7, 2006 order denying Genesis’s motion to dismiss the Complaint (D.I. 1) filed by plaintiff Arlin M. Adams (“Trustee”), as the Chapter 11 Trustee of the post-confirmation bankruptcy estates of Coram Healthcare Corporation and its wholly-owned subsidiary Coram, Inc. (together, “Coram” or “Debtors”), in the above-captioned adversary proceeding (“August 7 Order”). The

August 7 Order was entered on the docket on August 8, 2006. Genesis is contemporaneously filing a notice of appeal as directed by Federal Rule of Bankruptcy Procedure 8001(b).

Pursuant to Rule 8003(a) of the Federal Rules of Bankruptcy Procedure, Defendant-Appellant Genesis is filing herewith its Brief in Support of its Motion for Leave to Appeal. As demonstrated in Genesis's Brief, the Bankruptcy Court's August 7 Order constitutes a final order from which Genesis may appeal as of right pursuant to 28 U.S.C. § 158(a)(1) and Federal Rule of Bankruptcy Procedure 8001(a). However, to the extent that the August 7 Order may be deemed interlocutory, Genesis moves for leave to appeal. A proposed form of order is submitted herewith.

Dated this 18th day of August 2006.

Respectfully Submitted,

ROSENTHAL, MONHAIT & GODDESS, P.A.

By: /s/ Carmella P. Keener  
Carmella P. Keener (DSBA No. 2810)  
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Attorneys for Defendant-Appellant  
Genesis Insurance Company

OF COUNSEL:  
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Tel: (202) 772-5170  
Fax: (202) 772-5180

**CERTIFICATE OF SERVICE**

I, Carmella P. Keener, Esquire, hereby certify that on August 18, 2006, I caused to be electronically filed with the Clerk of the Court **MOTION OF GENESIS INSURANCE COMPANY FOR LEAVE TO APPEAL THE AUGUST 7, 2006 ORDER OF THE BANKRUPTCY COURT** and the **PROPOSED ORDER** thereon using CM/ECF, which will send notification of such filing to the following:

Michael Jason Barrie, Esquire  
Richard A. Barkasy, Esquire  
Schnader Harrison Segal & Lewis LLP  
824 Market Street  
Suite 1001  
Wilmington, DE 19801

/s/ Carmella P. Keener  
Carmella P. Keener (DSBA No. 2810)

# EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

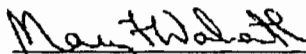
In re:	:	Chapter 11
	:	
CORAM HEALTHCARE CORP. and	:	Case No. 00-3299 (MFW)
CORAM, INC.,	:	
	:	(Jointly Administered)
Debtors.	:	
<hr/>		
ARLIN M. ADAMS, as Chapter 11 Trustee of	:	Adv. Proc. No. 06-50639-MFW
the Bankruptcy Estates of Coram Healthcare	:	
Corp. and Coram, Inc.	:	
	:	Docket Ref. Nos.: 5, 7, 11, 17
Plaintiff,	:	
	:	
v.	:	
	:	
GENESIS INSURANCE COMPANY,	:	
	:	
Defendant.	:	
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ORDER DENYING MOTION OF GENESIS INSURANCE COMPANY  
TO DISMISS THE COMPLAINT

AND NOW, this 7<sup>th</sup> day of August, 2006, upon consideration of: (i) the Motion of Genesis Insurance Company to Dismiss the Complaint (Docket No. 5, filed on June 5, 2006) (the "Motion"); (ii) the Opening Brief of Defendant Genesis Insurance Company In Support of Its Motion to Dismiss the Complaint (Docket No. 7, filed in June 5, 2006); (iii) the Answering Brief of Plaintiff Arlin M. Adams, Chapter 11 Trustee of Coram Healthcare Corp. and Coram, Inc. in Opposition to Motion of Genesis Insurance Company to Dismiss the Complaint (Docket No. 11, filed on June 21, 2006); and (iv) the Reply Brief of Defendant Genesis Insurance Company in Support of its Motion to

Dismiss the Complaint (Docket No. 17, filed in June 28, 2006); and the Court having heard oral argument on the Motion; and the Court finding that it has subject matter jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157(a)&(c)(1) and 1334(b) because it is related to a case under Title 11 of the United States Code; and for the reasons set forth on the record, including at the hearing held before the Court on July 25, 2006; and after due deliberation thereon and sufficient cause appearing therefore, it is

**ORDERED**, that the Motion be and hereby is **DENIED**.

  
\_\_\_\_\_  
Mary F. Walrath, C.U.S.B.J.

**CERTIFICATE OF SERVICE**

I, Carmella P. Keener, Esquire, hereby certify that on August 18, 2006, I caused to be electronically filed with the Clerk of the Court **EXHIBIT A TO MOTION OF GENESIS INSURANCE COMPANY FOR LEAVE TO APPEAL THE AUGUST 7, 2006 ORDER OF THE BANKRUPTCY COURT** using CM/ECF, which will send notification of such filing to the following:

Michael Jason Barrie, Esquire  
Richard A. Barkasy, Esquire  
Schnader Harrison Segal & Lewis LLP  
824 Market Street  
Suite 1001  
Wilmington, DE 19801

/s/ Carmella P. Keener  
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*Attorneys for Defendant-Appellant  
Genesis Insurance Company*

06mc167

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

## APPEAL TRANSMITTAL SHEET

Case Number: 06-50639 ☐ BK ☒ APIf AP, related BK Case Number: 00-3299

Title of Order Appealed:

Order Denying Motion of Genesis Insurance Company to Dismiss the ComplaintDocket Number: 29Date Entered: 8/8/06Item Transmitted: ☒ Notice of Appeal  
☐ Amended Notice of Appeal☒ Motion for Leave to Appeal  
☐ Cross AppealDocket Number: 32/35Date Filed: 8/18/06

\*Appellant/Cross Appellant:

Genesis Insurance Company

\*Appellee/Cross Appellee

Arlin Adams, etc. ■

Counsel for Appellant:

Carmella Keener ■

Counsel for Appellee:

Richard Barkasy*\*If additional room is needed, please attach a separate sheet.*Filing Fee paid? ☒ Yes ☐ NoIFP Motion Filed by Appellant? ☐ Yes ☒ NoHave Additional Appeals to the Same Order been Filed? ☐ Yes ☒ NoIf so, has District Court assigned a Civil Action Number? ☐ Yes ☒ No Civil Action # \_\_\_\_\_

Additional Notes:

Genesis Insurance also filed a Motion to Withdraw the Reference on 8/28/06September 11, 2006  
DateBy: Lori M. Coster  
Deputy Clerk

FOR USE BY U.S. BANKRUPTCY COURT

Bankruptcy Court Appeal (BAP) Number: 06-52  
7/6/06



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	:	Chapter 11
	:	
CORAM HEALTHCARE CORP. and	:	
CORAM, INC.,	:	Case No. 00-3299 (MFW)
	:	
Debtors.	:	(Jointly Administered)
<hr/>		
ARLIN M. ADAMS, as Chapter 11	:	
Trustee of the Bankruptcy	:	
Estates of Coram Healthcare	:	
Corp. and Coram, Inc.,	:	Adv. Proc. No. 06-50639- MFW
	:	
Plaintiff-Appellee,	:	
	:	<b>Objection Date: TBA</b>
v.	:	<b>Hearing Date: TBA</b>
	:	
GENESIS INSURANCE COMPANY,	:	
	:	
Defendant-Appellant.	:	
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**PROPOSED ORDER RE: GENESIS INSURANCE COMPANY'S  
MOTION FOR LEAVE TO APPEAL  
THE AUGUST 7, 2006 ORDER OF THE BANKRUPTCY COURT**

This Court having considered the Motion of Defendant-Appellant, Genesis Insurance Company for Leave to Appeal the August 7, 2006 Order of the Bankruptcy Court (the "Motion") and all submissions related thereto, and for good cause shown,

IT IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2006 that:

1. The August 7, 2006 Order is "final" within the meaning of 28 U.S.C. §158; and
2. Genesis Insurance Company's Motion is GRANTED.

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